

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

**RYAN MILLIRON**

**Plaintiff,**

**VS.**

**U.S. DEPARTMENT OF DEFENSE,  
FEDERAL BUREAU OF  
INVESTIGATION**

## Defendants.

[illegible]

**Civil Action No.**

## COMPLAINT

Plaintiff, Ryan Milliron, brings this action against the U.S. Department of Defense (“DOD”) and the Federal Bureau of Investigation (“FBI”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and alleges as follows:

## Introduction

1. Plaintiff brings this FOIA case after Defendants have failed to comply with their FOIA obligations. The FBI has simply not provided responsive records. The DOD, on the other hand, is hiding something. The DOD has purposefully withheld e-mails likely exceeding 100 pages that are responsive to one of Plaintiff's FOIA requests. For the meager five pages that the DOD has provided Plaintiff, the agency has improperly asserted FOIA exemption (b)(6). These efforts suggest the DOD is doing everything it can to keep from public view the extent of its questionable relationship with those involved in the Trump/Alfa-Bank hoax<sup>1</sup> – including Rodney Joffe, who is the subject of a criminal probe by Special Counsel John Durham for defrauding “the US

<sup>1</sup> Margot Cleveland, The Alfa Bank Hoax Is Looking A Lot Like Crossfire Hurricane, The Federalist (April 4, 2022), <https://thefederalist.com/2022/04/04/the-alfa-bank-hoax-is-looking-a-lot-like-crossfire-hurricane/>.

government by misusing internet data from government contracts to search for derogatory information about Trump and Russia.”<sup>2</sup>

### **Jurisdiction and Venue**

2. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Venue is proper in this district because Plaintiff is domiciled in Ottawa County, Michigan.

### **Parties**

3. Plaintiff is a resident of Ottawa County, Michigan.

4. Defendant U.S. Department of Defense is an agency of the United States Government within the meaning of 5 U.S.C. § 552(f)(1) that possesses the records Plaintiff seeks. The Department of Defense is located at 1000 Defense Pentagon, Washington, DC 20301-1000.

5. Defendant FBI possesses the records Plaintiff seeks. The FBI is a component of the U.S. Department of Justice, which is an agency of the U.S. government within the meaning of 5 U.S.C. § 552(f)(1). The FBI is headquartered at 935 Pennsylvania Ave. NW, Washington, D.C. 20535-0001.

### **Factual Background**

6. Plaintiff has submitted to the DOD and the FBI a number of FOIA requests concerning matters related to the Trump/Russia investigation and these agencies’ contacts with individuals who helped assert purported ties Donald Trump, his associates, and the Trump Organization had with Alfa Bank and Russia. Defendant FBI has failed to produce the requested records. Defendant DOD has failed to produce requested records, unlawfully withheld records,

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<sup>2</sup> Marshall Cohen, Durham prosecutors detail criminal probe into tech executive who worked on Trump-Russia back channel claims, CNN (April 28, 2022), <https://www.cnn.com/2022/04/27/politics/john-durham-criminal-probe-rodney-joffe/index.html>.

and has improperly asserted FOIA exemptions. Defendants' actions left Plaintiff no choice but to file this lawsuit.

**A. DOD: FOIA Request 22-F-0725**

7. On March 21, 2022, Plaintiff submitted a FOIA request to the DOD, stating: "I request all emails in the account of Christopher Schneck (Christopher.schneck.ctr@darpa.mil) sent to or from: Angelos Keromytis, Manos Antonakakis, Rodney Joffe, David Dagon, Tejas Patel." Plaintiff sought records from the date range April 1, 2016 through March 20, 2022.

8. On June 28, 2022, the DOD provided its final response, assigning this request FOIA case number 22-F-0725 and stating it had "located five pages determined to be responsive to your request." These documents were heavily redacted, with the names of senders and recipients of e-mails and calendar entries being hidden from public view. For example, there is this June 1, 2018 calendar e-mail relating to a "CIA meeting." The sender and recipients are unknown, as is the rest of the subject line.

(b)(6)

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**From:** Microsoft Outlook on behalf of (b)(6)  
**Sent:** Friday, June 1, 2018 8:43 AM  
**To:** (b)(6)  
**Subject:** CIA meeting (b)(6)  
**Attachments:** CIA meeting (b)(6)

Sender: (b)(6)  
 Subject: CIA meeting (b)(6)  
 Message-Id: (b)(6)  
 To: (b)(6)  
 To: (b)(6)  
 To: (b)(6)

9. Plaintiff filed a timely appeal, informing the DOD that its redactions of the documents under FOIA exemption (b)(6) were improper and unlawful, and that there were other e-mails responsive to Plaintiff's request that the DOD had withheld. The DOD responded to

Plaintiff's appeal on August 24, 2022, giving the empty promise that the agency would "search for additional responsive records." As of August 25, 2022, the DOD has not provided all responsive documents and has not removed all improper exemptions.

**B. DOD: FOIA Request 22-F-0825**

10. On April 22, 2022, Plaintiff made the following FOIA request to the DOD: "I request any reports, contracts, or emails in DARPA's possession relating to any relationship between the US government and the following entities:

- Lola Office Services;
- Measurement Systems, LLC;
- Packet Forensics;
- Vostrom Holdings;
- RapidCert, LLC;
- SRN Hosting;
- Terascope, LLC;
- BV Associates;
- Bitvoyant;
- Zeropoint Dynamics."

11. The date range for this request was from January 1, 2016 through April 22, 2022.

12. The DOD acknowledged this request on April 27, 2022 and assigned it FOIA case number 22-F-0852. As of August 25, 2022, Plaintiff has not received responsive documents from the DOD relating to FOIA case number 22-F-0852.

**C. DOD FOIA Request 22-F-0853**

13. On April 22, 2022, Plaintiff made the following FOIA request to the DOD: “I request reports, memorandums, emails, presentations or files relating to the ‘Rhamnousia’ program submitted or evaluated from the work product of Manos Antonakakis or David Dagon.” The date range for this request was from January 1, 2016 through April 22, 2022.

14. The DOD acknowledged this request on April 26, 2022 and assigned it FOIA case number 22-F-0853. As of August 25, 2022, Plaintiff has not received responsive documents from the DOD relating to FOIA case number 22-F-0853.

**D. DOD FOIA Request 22-F-0858**

15. On April 22, 2022, Plaintiff made the following FOIA request to the DOD: “I request any internal chat logs of DARPA personnel to include: Angelos Keromytis, Tejas Patel, Christopher Schneck, or Allison Kline that reference Rodney Joffe, Raymond Saulino, the hack of the DNC, a secret communications server between Alfa Bank and Trump, APT-28, APT-29, or Special Counsel Robert Mueller.” The date range for this request was from April 1, 2016 through June 30, 2019.

16. The DOD acknowledged this request on April 27, 2022 and assigned it FOIA case number 22-F-0858. As of August 25, 2022, Plaintiff has not received responsive documents from the DOD relating to FOIA case number 22-F-0858.

**E. DOD FOIA Request 22-F-0881**

17. On April 30, 2022, Plaintiff submitted a FOIA request to the DOD, stating: “I request any emails in the account of Stefanie Tompkins (DARPA) sent to or from: Rodney Joffe, Angelos Keromytis, John Podesta, Andrew Weismann (FBI), or Peter Strzok (FBI).” The date range for this request was from January 1, 2016 through April 30, 2022.

18. The DOD acknowledged this request on May 3, 2022 and assigned it FOIA case number 22-F-0881. As of August 25, 2022, Plaintiff has not received responsive documents from the DOD relating to FOIA case number 22-F-0881.

**F. FBI FOIA Request 1549040-000**

19. On June 5, 2022, Plaintiff made the following FOIA request to the FBI: “I request copies of any 302’s or 1023’s for Rodney Joffe, Manos Antonakakis, L. Jean Camp, Mike McIntire (NYT), or April Lorenzen during the period of March 1, 2016 through March 1, 2019 that are relevant to Russia, Trump, Alfa bank, or the hack of the DNC.”

20. The FBI acknowledged this request and assigned it FOIA number 1549040-000. In an e-mail dated August 8, 2022, the FBI informed Plaintiff that the estimated date of completion would be “1,929 days from the date the FBI opened your request.” This puts the FBI’s anticipated completion date towards the end of 2027. As of August 25, 2022, Plaintiff has not received responsive documents from the FBI relating to FOIA number 1549040-000.

**G. FBI FOIA Request for Grasso/Joffe e-mails**

21. On June 5, 2022, Plaintiff submitted the following FOIA request to the FBI: “I request all email records between Rodney Joffe and FBI agent Tom Grasso for the period of April 1, 2016 through April 1, 2017 that relate to: DNC, Alfa server, Trump, Russia, Georgia Tech, April Lorenzen.”

22. Plaintiff has not yet received an acknowledgment concerning this request for records. As of August 25, 2022, Plaintiff has not received responsive documents from the FBI relating to this FOIA request.

**H. FBI FOIA Request for Contracts**

23. On June 5, 2022, Plaintiff made the following FOIA request to the FBI: “I request copies of contracts between the FBI and any of the following entities: Packet Forensics, Bitvoyant (Bluevoyant), Neustar, Zetalytics, Vostrom Holdings.”

24. Plaintiff has not yet received an acknowledgment concerning this request for records. As of August 25, 2022, Plaintiff has not received responsive documents from the FBI relating to this FOIA request.

**Count 1**

**(Defendants’ Violation of FOIA, 5 U.S.C § 552)**

25. Plaintiff incorporates paragraphs 1 through 24 as though fully set forth herein.

26. Defendants are agencies subject to the production requirements of FOIA.

27. Defendants have violated FOIA by failing to produce the records requested by Plaintiff.

28. The DOD has purposefully withheld responsive records without alleging a proper exemption. Moreover, the DOD has unlawfully asserted FOIA exemption (b)(6) to redact the names of e-mail senders and recipients, and to hide the subject matters of e-mail correspondence. The DOD has further violated FOIA by failing to make a complete determination to Plaintiff’s appeal of FOIA number 22-F-0725.

29. Plaintiff is being irreparably harmed by Defendants’ FOIA violations, and Plaintiff will continue to be irreparably harmed unless Defendants are compelled to comply with FOIA.

**Request for Relief**

30. For these reasons, Plaintiff respectfully requests this Court:

- A. Order Defendants to search for any and all records responsive to Plaintiff's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA requests;
- B. Order Defendants to produce all records responsive to Plaintiff's FOIA requests and a *Vaughn* index of any responsive records withheld under claim of exemption;
- C. Enjoin Defendants from withholding non-exempt records that are responsive to Plaintiff's FOIA requests;
- D. Grant Plaintiff an award of costs and attorneys' fees reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- E. Grant Plaintiff such other relief as the Court deems just and proper.

Respectfully submitted,

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